



**ORDINANCE NO. 3043**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT WITH SPECIAL CONDITIONS FOR OUTDOOR DISPLAY ON PROPERTY ZONED LIGHT INDUSTRIAL "LI" ZONING DISTRICT A 7.506 ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF MIDWAY ROAD AND McEWEN ROAD AND BEING FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a specific use permit with special conditions for outdoor display for property zoned Light Industrial "LI" Zoning District a 7.506-acre tract of land located generally at the Southeast corner of Midway Road and McEwen Road and being further described in Exhibit "A" attached hereto and incorporated herein for all purposes ("the Property").

**SECTION 2.** That the specific use permit for outdoor display of art objects available for sale to the public is hereby granted subject to the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "B", and which is hereby approved.
- B. No more than thirteen (13) art objects may be displayed on the exterior of any building on the Property, which display shall comply with the following

(1) The exterior display of art object shall be only at the locations numbered "1" through "13," inclusive, shown on Exhibit "B," hereto;

(2) No art object shall be taller than fifteen feet (15.0') in height above grade, inclusive of any pedestal or other means of elevating the art object above the ground;

(3) No art object shall exceed ten feet (10.0') in width at its widest point;

(4) No art object shall be internally lit by any means nor contain any flashing or alternating or rotating lights, light emitting displays, or other type of light source;

(5) No art object shall represent nudity or a state of nudity, represent or suggest the occurrence of a specified sexual activity, or represent or suggest the representation of a specified anatomical area as those phrases are defined in City of Farmers Branch Code of Ordinances Section 26-11, as amended;

(6) No art object displayed at the locations numbered 1 through 9, inclusive, on Exhibit "B" hereto shall be, or be representative of, any person or animal;

(7) No art object or any portion thereof shall contain any written message or text; and

(8) No art object displayed pursuant to this specific use permit may be used as a sign for any business located on the Property.

(9) All art objects to be displayed outdoors shall be approved by both the property owner and the City Manager (or his representative) prior to installation.

C. The outdoor display of any other goods or merchandise on the Property other than art objects is expressly prohibited unless otherwise authorized by another ordinance.

**SECTION 3.** That the above described property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

**SECTION 4.** That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same

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shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 6.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 11TH DAY OF AUGUST, 2009.**

APPROVED:/



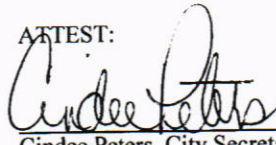
Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney  
(Reviewed by K.B. Laughlin 7/30/09 38381)

ATTEST:



Cindee Peters, City Secretary



**Exhibit A-  
Legal Description**

**13342 Midway Road and 4250 McEwen Road**

Being a tract or parcel of land situated in the Mary Brown Survey, Abstract Number 159, City of Farmers Branch Dallas County, Texas and being part of the Metropolitan Industrial Park, Section Two, an addition to the City of Farmers Branch, as recorded in Volume 70027, Page 644, Map Records, Dallas County, Texas and being part of that tract of land recorded in Volume 95247, Page 1609, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½" iron rod with a yellow plastic cap stamped "RLG" set for corner at the intersection of the south line of said of Metropolitan Industrial Park, Section Two and the east line of Midway Road (variable right-of way) as recorded in Volume 98024, Page 4838, Deed Records, Dallas County, Texas also being in the north line of Lot 1, Block 1, Midway Park Addition Replat, as recorded in Volume 94058, Page 4581, Deed Records, Dallas County, Texas;

**THENCE** North 00 15' 53" West along the east line of said Midway Road a distance of 265.48 feet to a ½ inch iron rod with a yellow plastic cap stamped "RLG INC" set for corner, said rod being the beginning of a non-tangent curve to the right;

**THENCE** in a northeasterly direction departing the east line of said Midway Road, along the southerly line of McEwen Road (variable width right-of-way at this point) according to the right-of-way dedication recorded in Document No. 2000503591094, Deed Records, Dallas County, Texas and along said non-tangent curve to the right whose chord bears North 49 27' 11" East and a distance of 51.84 feet, having a radius of 41.34, a central angle of 77 39' 27" and an arc length of 56.03 feet to a ½ inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the end of said non-tangent curve to the right;

**THENCE** North 89 48' 29" East along said southerly line a distance of 61.73 feet to a ½ inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

**THENCE** North 86 11' 45" East along said southerly line a distance of 140.39 feet to an iron rod with a yellow plastic cap stamped "ABA" found for corner in south line of McEwen Road (a 60' right-of way at this point);

**THENCE** North 89 50' 00" East along the south line of said McEwen Road a distance of 834.16 feet to a ¾" iron rod found for corner, also being the northwest corner of a 2.00 foot strip of land quitclaimed as recorded in Volume 74168, Page 1617, Deed Records, Dallas County, Texas;

**THENCE** South 00 10' 00" East along the west line of said 2.00 foot strip a distance of 308.00 feet to a ¾" iron rod found for corner in south line of said Metropolitan Industrial Park, Section Two, being the southwest corner of said 2.00 foot strip, also being in the north line of tract of land conveyed to D&H Freed Real Estate Ltd., as recorded in Volume 2003026, Page 7787, Deed Records, Dallas County, Texas;

**THENCE** South 89 50' 00" West along the common line between said Metropolitan Industrial Park, Section Two as recorded in Volume 70027, Page 644 and said D&H Freed Real Estate, Ltd., tract passing at a distance of 347.93 feet the northeast corner of said Midway Park Addition Replat, continuing along a common line between said Midway Park Addition Replat and said Metropolitan Industrial Park, Section Two for a distance of 1075.04 feet to the **POINT OF BEGINNING** and containing 329, 321 square feet or **7.5602 acres**, more or less.

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[illegible]



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# Exhibit B Site Plan

